

# **EXHIBIT 5**

[Home](#)[Why This Website](#)[SDCOE](#)[CVESD](#)[ETA](#)[CVE](#)[Stutz Artiano Shinoff](#)[Silence Is Golden](#)[Schools & Violence](#)[Office Admin Hearings](#)[Larkins OAH Hearing](#)[Recommended Books](#)[New Developments](#)[SITE MAP](#)[SD Ed Report Blog](#)[Problem Lawyers Blog](#)

## SAN DIEGO EDUCATION REPORT

mauralarkins.com

# Stutz, Artiano, Shinoff & Holtz; Lozano, Smith; Parham & Rajcic; Bonny Garcia

## Education Attorneys

### WHY DID BOB GALLAGHER SUDDENLY LEAVE HIS OWN FIRM, STUTZ GALLAGHER, IN EARLY 2004?

Why did Robert E. Gallagher, Jr., a founding partner of the firm that was known for years as "Stutz, Gallagher," leave his own firm?

The timing was interesting. He left right after Maura Larkins wrote a letter to the firm detailing obstruction of justice by Daniel Shinoff and Kelly Angell Minnehan.

My guess is that two things motivated Gallagher:

1) He was concerned that Shinoff and Artiano had become reckless in their attitudes toward use of intimidation as a tactic; and

2) He couldn't tolerate the extreme lack of ethics.

[Attorneys](#)

### Lawsuits Involving Atty. Daniel Shinoff:

[Stutz Artiano Shinoff Holtz  
Houston v. Shinoff  
Fred Kerner](#)

[Stewart v. Poway USD  
Alberts v. Shinoff Defam.  
Stutz v. Larkins Defam.  
Stutz Suborn Perjury  
Atty. Deborah Garvin  
Deputy Michael Carlson  
Shinoff + Rev Tucker?](#)

[MiraCosta College  
Shinoff is a public figure  
Otay Water District  
Santana shootings  
California cases  
Hazing at Santana  
Teacher assaults teen](#)

[Federal cases](#)

### Hiding Documents

[Mark Bresee  
helped cover up](#)

### Stutz Defamation lawsuit against this website

### Deposition of Ray Artiano by the author of this website

(with Dan Shinoff acting as Artiano's counsel)

Stutz Artiano Shinoff & Holtz is trying to stop the truth from being told regarding its illegal actions.

Stutz filed suit on Oct. 5, 07 for defamation against the author of this website.

[Stutz law firm's  
defamation lawsuit  
against this website](#)

[Stutz Threat  
Stutz defamation suit  
Maura Larkins Answer  
Federal Case Docket](#)

### A Favorite Dan Shinoff/SDCOE-JP A Tactic: Intimidation of parents and employees

A favorite Dan Shinoff tactic is to try get plaintiffs arrested. This works especially well when the litigant is a parent. All the school has to do is to invite the parent to a meeting to discuss a student, and have law officers waiting to arrest the parent for "disturbing" the school with complaints. This happened in the [Claudia Houston](#) case. In the [Lindsey Stewart](#) case, Stutz law firm charged a parent over \$1000 for sending a long court document to lawyers (\$2 per page). Parent [David Alberts](#) sued Daniel Shinoff for slander.

Isn't it a crime to use the criminal justice system to achieve an advantage in a civil case? It seems that law enforcement is arresting the wrong people

**Attorneys**

**Ann Smith (MEA)**  
**Randall Winat**  
**Rav Artiano**  
**Pamela Dampasav**  
**Elizabeth Schulman**  
**Faen Friedman Fullbrook**  
**Veronica Amiller**  
**Deborah Garvin**  
**Best Best & Krieger**  
**Mark Brasse**  
**Benny Garcia**  
**Jack Smith (GCCCD)**  
**David A. Stavans**  
**Mary Dowell**

**Challenging  
 corrupt school  
 districts and  
 lawyers**

"The probability that we may fail in the struggle ought not to deter us from the support of a cause we believe to be just."

Abraham Lincoln the 16th  
 President of the United  
 States (1809-1865)

**Why would a  
 school district  
 try to get an  
 obstruction of  
 justice lawsuit  
 thrown out-when  
 that district was  
 not even a party  
 in the case?**

Why were Chula Vista  
 Elementary School District,  
 Stutz law firm and California  
 Teachers Association  
 determined in March of 2005  
 that Maura Larkins' lawsuit for  
 obstruction of justice would  
 not be examined on its merits?

These institutions got their  
 wish when the court accepted  
 a pleading filed by **NON-PARTY  
 CVESD (171)** to protect Stutz  
 law firm.

Now the matter is in federal  
 court.

**Who initiates  
 the wrongful**

**crimes in the  
 Larkins v. CVESD  
 case**

CVESD attorney Mark Bresee  
 listened to this and other  
 depositions, and then  
 continued to work to hide  
crimes. CVESD and other  
 districts rely on such  
 attorneys.

Daniel Shinoff keeps  
 important school-case  
documents locked up in his  
 files, and presents perjured  
 testimony. Does he do it to  
 benefit children? Or to  
 promote a system that keeps  
 dollars flowing to school  
 attorneys without solving  
 school problems?

Is Stutz law firm corrupting  
 public entities? Or did  
 Stutz figure out that the  
 entities would just hire  
 someone else if Stutz were  
 to behave ethically?

**Did Dan Shinoff  
 intimidate MiraCosta  
 trustees to get them to  
 give Victoria Richart a  
 \$1.6 million settlement?**

Thirty former Mira Costa  
 College officials agree with  
 SD Education Report

Officials complain about  
 channeling enormous amounts  
 of public funds to Attorney  
 Daniel Shinoff

Click for recent news:  
**MIRACOSTA UPDATES**  
Oct. '07

The San Diego Union Tribune  
 reports on May 22, 2007 that 30  
 former officials at Mira Costa  
 College are outraged by the  
 college president, Victoria  
 Richart. These concerned  
 citizens say Richart funnelled  
 around a million dollars to  
 attorney Daniel Shinoff and  
 school staff to investigate "the  
 errant, but well-intentioned,  
 actions of a teacher struggling  
 to make her program the best in  
 the state."

My own personal opinion is, if a

Docket Jan 8, 2008  
Artiano deposition p 1  
Artiano deposition p 30  
Artiano deposition p 40  
Discovery  
Public figures in schools

For updates, see  
 San Diego Education  
 Report Blog.

in contracts involving Daniel  
 Shinoff.

**Grossmont USD and  
 Daniel Shinoff continue  
 to protect bullies at  
 Santana High School**

GUNSD REPORT #11187  
Grossmont Union HSD  
Hazing by Santana Coach  
Schools and Violence

**School District Used Power to  
 Retaliate Against Parents**

**Federal Judge Approves  
 Record \$6.7 Million  
 Settlement in Porter v.  
 Manhattan Beach Unified  
 School District, et. al.**

State Allowed District to Flout Authority

In his December 2004 decision, Judge Feess stated, "it seems that the District has endeavored to use the power it has over [the student's] education as a means of retaliating against the Porters for their criticisms of, and challenges to, the District."

Judge Feess also took the CDE to task for its failure to exercise appropriate oversight over the District, stating "although it is true that the District repeatedly flouted the State's authority by failing to comply with two state agency orders, it was only successful in doing so because of the CDE's inattention."

As interim relief, in a separate order entered on November 23, 2004, Judge Feess transferred control over the student's education from the Manhattan Beach USD and the CDE to a Special Master, Ivor Weiner, Ph.D. Under the settlement agreement, Manhattan Beach USD and the CDE have been ordered to set aside approximately \$1.1 million to pay for the education of the student at the direction of the Special Master.

<http://www.wrightslaw.com/news/05/porter.settlement.htm>

**Daniel Shinoff, Stutz law firm, and  
 Guajome Park Academy**

There are two current lawsuits involving Guajome Park Academy Charter School in San Diego's North County.

Attorney Daniel Shinoff of Stutz law firm is working with Guajome Park Academy's lawyers in one case (see association of counsel in

## actions?

### Is it the lawyers or the school boards?

It's probably a result of back and forth discussion, but I suspect that San Diego Joint Powers Authority lawyers lead the school boards into unlawful actions. Many school board members are far from sophisticated when it comes to legal matters.

Will school administrators commit felony obstruction of justice if a lawyer tells them to do so?

Yes.

Will otherwise honest school teachers lie under oath if a lawyer tells them to do so?

Yes.

Here's why:

#### Link: The Milligram Experiments

The Milligram experiments proved that 65% of ordinary Americans will follow the directions of a man in a white coat who tells them to continue giving shocks to someone who gave the wrong answer on a memory test!

Most people will not stop even when the victims pound on the wall and complain about a heart condition—if the authority figure directs them to continue.

In the experiments, as wrong answers were given, the voltage went up and up—to the highest voltage available.

Jason Bellows says, "One might hope that we've evolved to the point that we can question authority—where we can look our leaders in the face and ask why."

In San Diego, the SDCOE JPA contributes to a culture where teachers follow orders without asking why.

What happens to the 45% of people who refuse to continue the experiment? What happens to whistle-blowers?

public entity is doing business with Daniel Shinoff of Stutz, Artiano, Shinoff & Holtz, that public entity is probably involved in dirty business. This was certainly true of Chula Vista Elementary School District trustees Cheryl Cox, Bertha Lopez, Pamela Smith, Larry Cunningham and Pat Judd, who chose Daniel Shinoff of Stutz and Mark Bresee of Parham & Rajcic when they wanted to cover up their own crimes and the crimes of teacher Robin Donlan.

I believe the same is true of Grossmont Cuyamaca Community College, where chancellor Omero Suarez changed his own contract without permission, but the lawless board kept him on. He and Dan Shinoff are apparently doing exactly what the board wants, and it certainly isn't honesty. After all, if they told the truth, how could they get away with violating the law so often?

### WHEN PUBLIC ENTITIES HIRE UNETHICAL LAWYERS

It's one thing when a private citizen hires an unethical lawyer. When a public entity does it, it's a much more serious matter. It's a high-jacking of public dollars and institutions to benefit those in power. It's insidious, because the secrecy involved in covering up the wrongdoing prevents voters from choosing honest public officials. It pits government against ordinary citizens, to benefit an unethical few.

Public officials who want to keep the public in the dark call on Dan Shinoff and Mark Bresee to keep witnesses quiet and to finesse the paperwork.

Chula Vista Elementary School District, from 2000 to 2004 when Cheryl Cox was on the board and Richard Werlin was the star witness, used the cover-up skills of these attorneys.

Peters v. Guajome Park Academy), and he's representing the opposing party in the other.

Clearly, Daniel Shinoff and Stutz have given up any efforts they might have once made to foster the appearance of having legal ethics.

Shinoff is suing Guajome Park in San Diego Superior Court (37-2007-00053139-CJ-BC-NC GUAJOME PARK ACADEMY NEW EDUCATION FOR THE WORKPLACE, INC North County Civil 05/23/2007 Breach of Contract/Warranty ).

## Parham & Rajcic

Latest CVESD lawsuit:  
the Danielle Cozlahr case  
Atty. Pamela Dempsey for school district  
Attys. Laura Joan Farris and Dan Carroll for plaintiff

Dec. 2007  
Pamela Dempsey loses lawsuit against CVESD

### Mark Bresee of Parham/Rajcic; Orange County DE

#### Who trains new school attorneys?

Attorneys who have helped cover up crimes in schools are in charge of training both new board members and new school attorneys.

Here is one of the presentations:  
California Council of School Attorneys  
CCSA/CSA Joint Annual Meeting  
November 29, 2007  
San Diego Marriott Hotel & Marina  
Session for New Attorneys and for Those Who Can't Remember:

The Basics of Personnel/  
Student Discipline/ Client Relations

Mark Bresee, Counsel,  
Orange CDE

### High court maintains \$1 million verdict against Portland schools

Teachers must sue for their right to due process [since school attorneys don't obey the law].

Peter Wright of Wrightslaw  
November 9, 2004

Pamela Settlegoode's contract was not renewed in 2000 after she repeatedly complained about services available to students. She filed suit, contending that the district violated the Disabilities Act of 1978, her First Amendment rights to free speech and the Oregon Whistleblower Act.

A jury deliberated nine hours before awarding her \$1 million in 2001. A federal magistrate set aside the verdict, but the 9th U.S. Circuit Court of Appeals restored the judgment earlier this year.

Settlegoode started teaching in the district in the 1998-1999 school year after earning a doctorate in education from the University of Oregon. She was hired to work with disabled high school students in physical education. Settlegoode developed her own curriculum and had students taking part in track, tennis, hiking and self-defense classes.

She complained that some of the equipment was missing or unsafe, and it was tough to find locations to teach her students.

[http://www.parentadvocates.org/nicecontent/dsp\\_printable.cfm?articleID=4897](http://www.parentadvocates.org/nicecontent/dsp_printable.cfm?articleID=4897)

### Judges and Prosecutors are getting tired of lawyers who

Usually, they get fired, as happened to Coach Carter in Escondido, Maura Larkins in Chula Vista, Mary Anne Weegar in Sweetwater, etc.

.....If problems were actually fixed, school attorneys would have a lot fewer billable hours, wouldn't they?

When schools PREVENT problems, and when they RESOLVE problems that have occurred, they stop the flow of money to school attorneys.

#### **Daniel Shinoff Loses: Poway High School students win \$300,000**

Why didn't the SDCOE JPA settle this case? That's not what Diane Crosler, SDCOE JPA director, pays lawyers to do. Neither taxpayers nor students benefited. How much was Shinoff paid?

Guilty parties, particularly public entities, must admit that the law applies to them. Whistle-blowers should not be treated as a punishment. In many cases, the officials, lawyers and school administrators who expel students are guilty of far more wrongdoing than the students they expel.

#### **Why did Shinoff use Werlin as a witness?**

School district lawyers used Richard Werlin, former Assistant Superintendent at Chula Vista Elementary School District, as a witness in cases long after sworn testimony for the Office of Administrative Hearings proved that he committed perjury in the Larkins case.

Lawyers also continued to claim Richard Werlin as an employee long after he disappeared from the district directory. ([Click here for district directory.](#))

Werlin completely avoided depositions during the first Maura Larkins Superior Court case, claiming that a letter from his cardiologist justified his refusal to testify. One wonders whether it is a mental or a physical illness, since Mr. Werlin has insisted that teachers with cancer and other illnesses work full time.

But why is it that Werlin is too sick to testify in some cases but not others?

#### **Dan Shinoff trains board members and employees**

**Special Education**  
One of Daniel Shinoff's specialties is destroying the lives of parents who complain that their kids aren't getting the right education. He clearly doesn't teach the teachers to work with parents.

SP ED AFTER REAUTHORIZATION  
Title: GR K-12 SP EDUC TCHRS  
Date: 3/14/2005 8:00AM

Details: Daniel Shinoff and Jack Sleeth will present vital information to keep you up-to-date with the latest changes and best practices in the implementation of IDEA as reauthorized....agenda topics include legislative updates; evaluations, eligibility determinations & IEPs; related services & assistive technology; discipline; behavioral intervention procedures; confidentiality of student records and most common mistakes

\$205; Four Points Hotel by Sheraton, San Diego; sponsored by MEDS-PDN

[http://209.85.173.104/search?q=cache:ZIX5TrFwHOAJwww.svusd.org/p\\_subject.asp%3Fid%3D11494+hyatt+shinoff&hl=en&ct=cln&cd=28&gl=us](http://209.85.173.104/search?q=cache:ZIX5TrFwHOAJwww.svusd.org/p_subject.asp%3Fid%3D11494+hyatt+shinoff&hl=en&ct=cln&cd=28&gl=us)

#### **Shinoff Smear Tactics**

Perhaps Mr. Shinoff and his partner Jeffery Morris (of Pepperdine University) dream of one day matching the smear tactics and ethics of Pepperdine Law School's dean, Ken Starr.

UPDATE:

FEB 11, 2006

Ken Starr is trying *really hard* to get clemency for death row inmate Michael Morales who killed and raped a 17-year-old girl. Ken Starr stands accused by prosecutors of submitting forged documents in the case!

Remind me again exactly why Ken Starr spent \$64 million taxpayer dollars to prosecute Bill Clinton?

What is the total amount paid by

#### **violate the law**

#### **Education Law Firm Slammed by Federal Judge**

**Lozano, Smith  
uses same  
practices as  
Stutz, Artiano,  
Shinoff & Holtz**

U.S. District Judge Oliver W. Wanger, in his 2005 sanctions order, ordered all 80 lawyers in the Lozano Smith law firm to take ethics classes. In the Robert Moser case, the judge said that Elaine Yama and her firm engaged in "repeated misstatements of the record, frivolous objections to plaintiff's statement of facts, and repeated mischaracterizations of the law."

Judge Wanger's words also exactly describe what has happened in many San Diego cases, thanks to San Diego County Office of Education-Joint Powers Authority favoritism toward unethical law firms such as Stutz Artiano, Shinoff & Holtz,

is a panel of school superintendents who choose these lawyers. Superintendent Terry Ryan of Grossmont Union High School District has made it clear in board meetings that he wants only lawyers WHO WILL MAKE SURE THE SCHOOL DISTRICT WINS, not one who will advise the district to follow the law.

Stutz, Artiano, Shinoff & Holtz shares the following characteristics with the law firm in the Moser case:

1. A culture of misrepresentation and deception exists at Stutz Artiano & Shinoff.

2. The firm clearly suffers from a lack of professionalism or a lack of understanding of the law.

3. Many of STUTZ's filings cannot be interpreted as anything other than bad-faith attempts to mislead the court, obscure the real facts, and to obstruct and/or harass the plaintiff, either to wear down the plaintiff or to win a victory that is clearly unjustified by either the facts or the law.

4. While isolated errors or



## Leslie Devaney Is Stutz Partner

Link: Leslie Devaney column In Voice of San Diego

What crucial fact does Leslie Devaney leave out of her essay?

**DEVANEY WAS THE NUMBER 2 OFFICIAL IN THE OFFICE OF CITY ATTORNEY** when the city made deals which the SEC and the FBI are now investigating

Perhaps this one bit of information explains why Devaney is outraged at Aguirre's efforts to discover the truth about crimes by public officials! Leslie Devaney and/or her friends who are still in the city attorney's office may have collaborated in those crimes.

*\*The law firm of Stutz, Artiano, Shinoff & Holtz, to which the SDCOE JPA steers the lion's share of the business...*

*to right-wing Republicans such as Lesley Devaney. Devaney joined the Stutz law firm after losing to Michael Aguirre in the race for San Diego City Attorney. Devaney has recently admitted (see link below) that if she had been elected, she would HAVE HELPED corrupt city officials and employees cover up their crimes, instead of working in the public interest.*

Link: What did this law firm do to get this web site to disappear (for a while, at least) from Google searches for Stutz, Artiano and Shinoff?

## Stutz and the San Diego Press

When only stories acceptable to SDCOE and its lawyers are printed in San Diego's ONE regional newspaper, are citizens harmed?

Do you not agree with the San Diego Press Club that Stutz, Artiano, Shinoff & Holtz has the third-best website design in San Diego ([www.stutzlawfirm.com](http://www.stutzlawfirm.com))?

(Re: The Collateral Damage of Aguirre's Furies)

Thank you Ms. Devaney for your opinion on Mr. Aguirre's first year of being in office. Now, if you don't mind, I'll ignore that opinion. You see, it was your previous boss Casey Gwinn, who went "ostrich" when the excesses of City Council went unimpeded and unchecked leading to our infamous "Enron by the Sea" name tag. Weren't you second in command, at the city attorney's office, when all of this public wrongdoing was in full swing?

San Diego needs a populist, activist city attorney. I applaud Mr. Aguirre and Don McGrath for "jumping into the fray." Does the bungling of the De La Puente judgments ring any legal jingle bells? Would Councilman Madaffer have been able to orchestrate retroactive pension benefits for past council members under Mike Aguirre's tenure? The answers to these concerns are publicly evident. Mr. Aguirre and his team of transparent oriented city attorneys are representing an under represented constituency.

Ms. Devaney, that constituency would be taxpaying citizens of San Diego. From taking on the largess of SDCERS to the special interest take over of the Torrey Pines Golf Complex, Mr. Aguirre is on the right track. Had Mr. Gwinn (with you at his side) not been asleep during his watch, San Diego would probably be in a better financial position. Please ponder that if you need to spend time ruefully worrying about the city's current state of affairs.

DALE PETERSON, SAN DIEGO  
December 13, 2005

taxpayers to Dan Shinoff?

Personal attacks by Shinoff

Lisa Corr, Attorney at Law

## The page on Stutz law firm's website that wins the San Diego Education Reports prize for irony is: "Public Entity"

Here's what Stutz law firm says about its "public entity" practice:

"Stutz Artiano has extensive experience in representing a wide variety of public entities throughout Southern California including cities, counties, special districts, Joint Powers Authorities, school districts, community colleges, the State of California and other public agencies. The firm serves as both general counsel and litigation counsel to our clients, providing advice on a wide range of legal issues including the California Public Records Act, the Brown Act, employee discipline and employment contracts.

"Our litigation team is skilled and well versed in a wide range of claims that confront public entities and can handle the largest, most protected claims as well as smaller, more defined cases. The team has handled cases ranging from complex employment matters to personal injury, environmental and defamation claims, to road design flaws and excessive force.

"Knowing that prevention and education is key to avoiding costly litigation, we provide on-going training and workshops for our public entity clients on matters such as workplace violence

and harassment, discrimination in the workplace, Americans with Disabilities Act, Family and Medical Leave Act and the

misstatements might be excused, given the size of the record, the sheer volume of misstatements, the only reasonable inference that can be drawn is that Daniel Shinoff, Jeffery Morris, Kelly Angell and many other Stutz lawyers intended to obstruct at every step and stand education law, as well as labor law, the penal code, and the constitutions of California and the United States, on their heads.

## After Judge Wanger's order, Did Lozano, Smith change its tactics?

No. The lawyers involved just went to other law firms, so they could continue the same practices without scrutiny.

The wrongdoing by school districts and lawyers in San Diego education cases, such as those of Escandido's Coach Carter.

Mary Anne Weegar, Maure Larkins and others in County school districts could not possibly have happened if the SDCOE-JPA hired lawyers who respected and obeyed the law.

## Get Out of Jail Free Card?

The lawyers provided by SDCOE Joint Powers Authority to Chula Vista Elementary School District, Daniel Shinoff, Jeffery Morris, and Kelly Angell, as well as Stutz partner Ray Artiano, violated California law in case after case.

Diane Crosier, the director of SDCOE JPA, was informed of the violations, but refused to investigate.

## Dirty Tricks? Stutz Law Firm "helps" public entities by pushing opposition lawyers to quit

It's not so hard to get a case thrown out when the opposition is in pro per, so in multiple cases, Stutz, Artiano, Shinoff & Holtz attorney Daniel Shinoff got the opposition lawyer to quit. Shinoff offered work to the

If not, that's a shame. After all, you paid for it with your tax dollars.

The website prize does, however, help to explain how this law firm is able to abuse the public trust and at the same time avoid bad press in San Diego.

The firm cultivates friends--and prizes--in the press. It won the Daily Transcript's "peer" competition, in which a tiny percentage of San Diego lawyers participated.

Maura Larkins' letter to the editor of March 25, 2004 does not show up in a search of San Diego Union Tribune archives. The other five letters of Maura Larkins show up in a search, but not the one about Daniel Shinoff.

What is this law firm thinking when it sues San Diego Education Report for loss of business? Apparently Stutz is so accustomed to having the San Diego Union Tribune and the Chula Vista Star-News cover up its wrongdoing, that it thinks NO ONE has a right to report Stutz' unethical actions on behalf of public entities.

[Click here for Michael Grant's Sept. 2005 analysis of San Diego's free press problems.](#)

## **Rave and rant, bully and befuddle, confuse and distort**

From *Wake Up and Smell the Lawyers* by Greg Hickman  
(A man who seems to have met several SDCOE lawyers):

"While there may well be two sides to every story, especially when lawyers get involved, **there can only be one true story...**

"The opposing lawyers can accuse you of lying when you are in reality telling the truth. These lawyers can fabricate events and rewrite history as they see fit. These snobbish, pompous, egotistical blowhards can rant and rave, bully and befuddle, confuse and distort all they want while you are expected to treat them with courtesy and civility at all times. In fact, they demand it. Nice set of rules, huh?

"These lawyers will then turn around and paint their guilty-as-sin client in a totally different light; as an upstanding pillar of the community. Sometimes truth and justice seem miles apart in today's legal system. Right and wrong and black and white have become nebulous, abstract, pie in the sky concepts these days. Perjury and suborning perjury are just tricks of the trade nowadays, regardless of whether we like it or not and regardless of whether lawyers admit it or not..."

[http://www.power-of-attorneys.com/the\\_whole\\_truth.htm](http://www.power-of-attorneys.com/the_whole_truth.htm)

## **Government Tort Claims Act."**

### **Contact:**

Ray J. Artiano  
Leslie E. Devaney  
Prescilla Dugard  
Daniel R. Shinoff  
Jack M. Sleeth, Jr.

[http://www.stutzartiano.com/practices/public\\_entity.html](http://www.stutzartiano.com/practices/public_entity.html)

In fact, the instruction Stutz gives to public entities causes enormous problems for the entities and the citizens who pay all their bills--and their lawyers' bills. Liability insurance rates seem to skyrocket when Dan Shinoff gets involved with a school district. He keeps the San Diego Superior Court calendar filled with cases which could have--and should have--never have reached the litigation stage in the first place.

lawyer of one opposing party, thus creating a conflict of interest, and forcing the lawyer to choose. Guess whom the lawyer chose?

In Ray Artiano's recent deposition, he stated under oath that Maura Larkins is the only one who has complained about Shinoff's tactics:

"... nor have we ever had any complaints about unethical or illegal behavior on the part of any attorney in my firm other than from you."

(Page 49 Lines 4-6)

But there are four cases in federal court in which Daniel Shinoff is accused of wrongdoing.

Shinoff seems to have simply talked David A. Stevens out of representing Maura Larkins. Stevens didn't tell Larkins he was quitting, he just stopped doing work. Larkins finally asked him to tell her what was going on. Stevens said to Larkins, "I hope Shinoff is still my friend." So do I, Mr. Stevens. You'll be okay as long as Daniel Shinoff is your friend, along with your mutual friend, attorney Elizabeth Schulman.

**Milberg Weiss  
Bershad &  
Schulman Faces  
Indictment**

May 18, 2006  
A respected law firm with offices from New York City to Los Angeles is facing charges for their alleged involvement in a scheme to pay kickbacks to clients. A six-year federal investigation could result in an indictment for the firm. Though the indictment would not prevent the firm from practicing law, it could potentially affect business. Efforts are being made to avert the indictment, but no consensus has been reached so far, as both sides are at odds over a deferred prosecution agreement.

The firm, founded in 1965, employs more than 120 lawyers who practice commercial

September 15, 2004

To: Daniel Shinoff  
Jeffery Morris  
Kelly Angell

From: Maura Larkins

by FAX only to: 619 232 3264

Your law firm has a serious conflict of interest in my case. Your interests and the interests of Chula Vista Elementary School District are in direct conflict.

When I recently read about a La Mesa parent who was jailed for five days, apparently on your advice, by Grossmont High School District, because he tried to get a coach fired, I suddenly had an insight into just how far your law firm is willing to go to help those in charge of school districts exert arbitrary authority.

The District Attorney decided you were wrong. The D.A.'s decision made clear that there was NO justification for your extreme viciousness toward the very people your clients are supposed to serve. One can only imagine what the daughter of the jailed man must have gone through.

Your aid and encouragement has enabled many public entities to abuse their powers. I have come to suspect that you might have advised CVESD to obstruct justice in my case. But what I am sure of is that the district cannot escape from the repercussions of the illegal acts you have tried to cover up since October 4, 2001 UNTIL YOU ARE NO LONGER REPRESENTING THE DISTRICT.

You will not let the district admit it was wrong. I suspect Kelly Angell might have urged Robin Donlan and the other four teachers transferred out of Castle Park to go to the press and hold rallies. I also suspect that CVESD board member Pamela Smith urged the Star-News to make a big stink about the transfers. Like you, Pamela Smith is angry that Lowell Billings is trying to clean up the district. The most recent article in the Star News is shameful — a clear effort by Felicia Starr and Kim Simmons and the Star-News to escalate a racial conflict.

**Stutz, Artiano, Shinoff & Holtz has done nothing but harm to Castle Park School since October 4, 2001. You should resign and the district should hire an ethical law firm.**

*Maura Larkins*

### **Why do school districts get into so much trouble when Dan Shinoff is representing them?**

Apparently, because they get bad legal instruction. Here's an article from the Stutz website about who teaches schools about the law.

From the Stutz law firm website:

"For more than 20 years, Stutz Artiano has prided itself as being one of the state's leading education-focused law firms, representing more than 40

practice commercial litigation involving securities, corporate fiduciary, consumer, insurance, healthcare, antitrust, mass tort and human rights.

### **Bonnie Garcia and his erstwhile associates at Williams Burke Sorenson**

#### **Sweetwater racks up large, clouded legal bill**

#### **Descriptions of services left off released forms**

By Chris Moran  
UNION-TRIBUNE STAFF WRITER  
July 22, 2006

Bonny Garcia has donated to the election campaigns of trustees Jim Cartmill, Arlie Ricasa and Sandoval. Campaign finance records show donations of \$1,000 to Ricasa in 2001-02, \$1,000 to Sandoval in 2002 and \$975 to Cartmill in 2002.

CHULA VISTA — The Sweetwater Union High School District busted its legal budget halfway through the fiscal year that ended June 30.

Sweetwater reports it spent more than \$1 million on legal services for the year, 77 percent more than in the past fiscal year, with some expenses for June yet to be logged.

It's tough to tell why.

Through a public-records request, The San Diego Union-Tribune got invoices documenting the district's legal bills, but the descriptions of services rendered were redacted by order of the district's general counsel, Bonifacio Garcia, who is based in Los Angeles.

With no detail of services, the public can't know if an attorney was working on a lawsuit, advising a board member or attending a board



districts throughout California. Our attorneys are experienced in all aspects of education law, providing general and litigation counsel to school and community college districts that require expert, aggressive legal representation at all levels. In addition to their expert legal backgrounds, many of our education law team attorneys previously served as school board members, as well as teachers in the classroom, making them even more sensitive to and uniquely qualified in the education law arena.

"As general counsel, our attorneys keep clients up to date on the latest laws affecting districts and the clients they serve, and provide expert counsel and strategic planning advice on how to deal with potential issues before they become real problems. Special education, student rights and discipline, certificated and classified employment issues, discrimination and sexual harassment, school financing and bonds, collective bargaining, charter schools, No Child Left Behind Act, facilities, the Brown Act, the California Public Records Act, government tort claims and liability - are all areas in which we provide counsel and litigation support to protect the interests of our clients.

**"Our attorneys are frequent speakers at local and national education conferences and seminars on advisory, special education and litigation topics. We develop and conduct workshops on legal issues of importance to our clients in an effort to keep them current on important changes in the laws that affect them. We are also active members and participants in many school related professional organizations including the Association of California School Administrators (ACSA), California School Boards Association (CSBA), the California Association of School Business Officials (CASBO), the California Council of School Attorneys for which one of our attorneys was a founding member, the National School Boards Association (NSBA) and the Coalition for Adequate School Housing (CASH)."**

**Contact:**

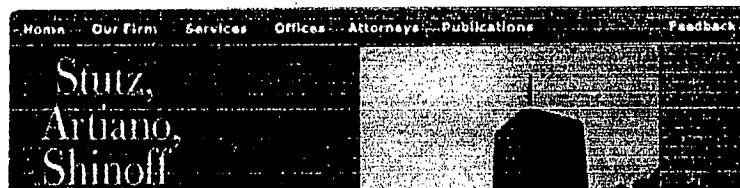
Ray J. Artiano  
Daniel R. Shinoff  
Jack M. Sleeth, Jr.  
Jeffery A. Morris

<http://www.stutzartiano.com/practices/education.html>  
downloaded 11-30-07  
"Education" practice

**Stutz law firm's efforts to hide the truth about founding partner Robert Gallagher's decision to leave the firm in early 2004**

**Stutz law firm's blatant and pathetic attempts to hide the truth**

Stutz, Artiano, Shinoff & Holtz - San Francisco



meeting.

Garcia said the billings are not merely descriptions but status reports on legal work, which could reveal strategy to opponents if they were made available to the public.

That may be true in a few instances, but most of the information would not give away any secrets, said Peter Scheer, executive director of the California First Amendment Coalition.

"The systematic redacting in over 1,000 pages of legal bills of every single description of the services rendered can only reflect a knee-jerk impulse for secrecy," Scheer said. "It also underscores how ~~dangerous~~ that this information belongs to the public."

Garcia himself billed the district as much as 15.3 hours in a day, and \$131,708 between July 1, 2005, and the end of May. The district has not yet produced June's invoices.

Garcia's legal meter starts running hours before he sets foot in the board room. In what Garcia terms "portal-to-portal" billing, he begins charging for the time he spends on the hour for his time the minute he leaves Los Angeles for a 2 1/2-hour commute to Chula Vista. He also charges for the drive back and \$133.50 in mileage expenses.

That means it costs Sweetwater more than \$1,100 to have Garcia at a board meeting, in addition to time he spends on open-and-closed-session deliberations.

When asked why he doesn't dispatch a San Diego-based attorney to the meetings, Garcia said, "This is a business that is a service business, and it depends on who the client is comfortable with."

Nor does it mean he's the best attorney of the bunch, he said, but it's the choice of the board to use an attorney with whom it has a decade of experience.

"We're not widgets," Garcia said. "It's about the confidence of the client in the counsel."

Board President Greg Sandoval said he believes Garcia can use drive time to talk with Sweetwater staff by



Thursday, July 15, 2004

## Areas of Practice

Public Entities  
Construction  
Employment Law  
Product Liability  
Environmental Law  
Insurance Coverage  
Business and Real Estate  
General Tort Litigation

## Our Promise

## Integrity

The firm is known as much for its strength of character as it is for the strength of its results. Character is only developed through the exercise of professionalism in the practice of law and commitment to the clients the firm serves.

## Experience

Delivery of legal services depends on experience, trial skills and courtroom expertise. Each of the founding members of the law firm practices with the firm today. Every firm member has been with Stutz, Artiano, Shinoff & Holtz for at least ten years. The attorneys of our firm are very involved in the local and regional bar business organizations which impact our clients.

## Trust

Providing legal services to clients of the firm requires complete confidence on the part of the attorney and the client. Trust is earned and is the foundation of our client relationship. Clients of the firm deserve and can expect nothing less than full candor, respect and consideration from our attorneys.

We must prosecute clients to win one of our offices to earn an attorney of this is another our business. Our attorneys would also have the opportunity to do your work sitting in that we can experience our success and achieve the value of our legal representation.

Home, Our Firm, Services, Offices, Attorneys  
Publications, Feedback, Site Map

http://www.stutzartiano.com/comp/mauralkins.html

Ray Artiano doesn't like to talk about why Robert Gallagher left the law firm that the two of them founded with Sidney Stutz in 1982. It seems clear to this author that Gallagher left because he couldn't stomach the obstruction of justice that was being practiced by the firm.

If Ray Artiano wants to obtain a verdict on the facts in his defamation lawsuit against this website, he is going to have to talk about the complaint of obstruction of justice sent to the firm by this author in December 2003, just before Mr. Gallagher decided to move to Higgins, Fletcher and Mack.

Of course, Mr. Artiano doesn't want a finding of facts. He wants the case remanded to state court, where he trusts that justice will be perverted, and he will be able to prevail simply because his law firm works for public entities, and the state courts tend to protect public entities. The California Court of Appeal is responsible for this situation, since it tends to overturn even the most justifiable jury verdicts without rhyme or reason. Given this situation, Superior Court judges such as the judge in my case know that even though Stutz' opponent has the truth and the law on her side, she will most likely bankrupt herself fighting the case, without a chance of obtaining justice in the end.

**After Gallagher left, the firm proclaimed on its website, "Each of the founding members of the law firm practices with the firm today."**

In his deposition, Ray Artiano referred to Bob Gallagher as an "employee" who left the firm.

phone. But when asked why the board doesn't use a San Diego-based attorney to save on the \$1,100-per-meeting cost, he said, "I guess we're going to have to review that."

Months ago Garcia presented district trustees with his findings that Sweetwater's legal bills are in line with those of similar-sized districts in Northern California.

However, the Sweetwater school board appears to have leaned more heavily on attorneys than most other local boards. Garcia attends every Sweetwater board meeting, joined the board for a series of interviews with superintendent candidates during spring and sat in on a Saturday exploratory conversation with former Chula Vista Elementary Superintendent Libby Gil that Sandoval avoided calling a job interview.

San Diego city schools has its own attorneys, and one sits on the dais with the board at meetings. Sweetwater, with 42,000 seventh-through 12th-graders, is the county's second-largest school district, and it contracts with several firms for legal advice, as do other local districts.

But the third-, fourth- and fifth-largest local districts - Poway Unified, Chula Vista Elementary and Vista Unified - only have an attorney present at board meetings when a particularly controversial issue is on the agenda. The next-largest district, Grossmont Union High, has an attorney present at every board meeting.

Garcia said he could not comment on why he was at the superintendent candidate interviews during spring and why he's not attending this week's interviews. Spokeswomen for the Oceanside and Poway districts said attorneys were not present at their boards' interviews of the candidates who now hold the superintendent jobs.

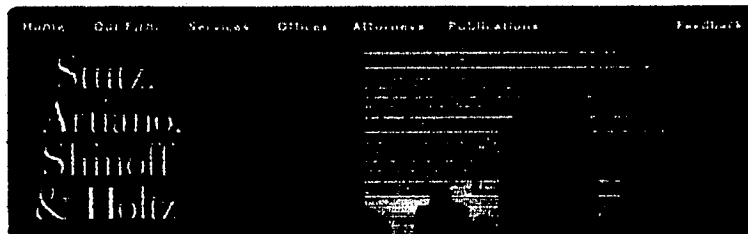
Sandoval said Garcia sat in on interviews with four Sweetwater finalists so he could negotiate on the spot with a candidate of the board's choosing. On the day of a special board meeting on March 2, Garcia billed Sweetwater \$3,060 for 15.3 hours of work.

At that time, Sandoval said.

**Two days after I faxed the document above to  
Stutz law firm, the Stutz website was changed  
(see document below.)**

Stutz, Artiano, Shinoff &amp; Holtz - Our Promise

7/17/04 8:22 P



Saturday, July 17, 2004

**Areas of Practice**

Public Entities  
Construction  
Employment Law  
Product Liability  
Environmental Law  
Insurance Coverage  
Business and Real Estate  
General Tort Litigation

**Our Promise****Integrity**

The firm is known as much for its strength of character as it is for the strength of its results. Character is only developed through the exercise of professionalism in the practice of law and commitment to the clients the firm serves.

**Experience**

Delivery of legal services depends on experience, trial skills, and courtroom expertise. Every firm owner has been with Stutz, Artiano, Shinoff & Holtz for at least fifteen years. The attorneys of our firm are very involved in the local and regional business organizations which impact our clients.

**Trust**

Providing legal services to clients of the firm requires complete confidence on the part of the attorney and the client. Trust is earned and is the foundation of our client relationship. Clients of the firm deserve and can expect nothing less than full candor, respect and consideration from our attorneys.

We invite prospective clients to visit one of our offices to gain an overview of how we conduct our business. Our attorneys would also enjoy the opportunity to visit your work setting so that we can customize our services and enhance the value of our legal representation.

Home | Our Firm | Services | Offices | Attorneys  
Publications | Feedback | Site Map

*They changed this since I faxed them about it 2 days ago!*

http://www.stutzlawfirm.com/ourpromise.htm

Page 1 of 1

Stutz law firm is built on the proposition that it and SDCOE-JPA and Keenan and Associates should take tax dollars meant for teachers and students, and giving it to lawyers.

the board was negotiating with Anthony Monreal, superintendent of a much smaller Fresno-area district. But in mid-March the board announced it was seeking new candidates and never took a vote on Monreal.

In addition, Sweetwater was billed for 9.1 hours of Garcia's time on the day the board spoke with Gil, who was never officially a candidate.

On Monday, the Sweetwater board is scheduled to consider approving a contract with Garcia's new firm. He's leaving Burke, Williams & Sorensen to form his own firm, Garcia Calderon Ruiz. He's taking his team of Sweetwater attorneys with him.

He's also taking his clients. Southwestern College, San Ysidro School District and Otay Water District, which also use Burke, Williams & Sorensen, will consider making the same change at upcoming board meetings. Those other agencies use San Diego-based attorneys at their board meetings.

After doing some litigation for the district in the early 1990s, Garcia was contracted to become the district's chief attorney in 1996. Garcia was in Los Angeles even then, so he established a San Diego office for local attorneys who could serve Sweetwater on legal matters outside of direct work with the board.

"The systematic redacting in over 1,000 pages of legal bills of every single description of the services rendered can only reflect a knee-jerk impulse for secrecy," Schoer said. "It also underscores how forgetful public officials are that this information belongs to the public."

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October 10, 2004

October 1, 2004

To: Kelly Angell and Daniel Shinoff  
 From: Maura Larkins

by fax only to: 619 232 3264

I received your "Reply" to my "Non-opposition."

It caused me to wonder, how can someone reply to something that hasn't been said?

After thinking it over, I concluded that your pleading would more accurately have been titled *Pathetic Excuse for Charging the School District for Billable Hours*.

*Maura Larkins*

Daniel Shinoff, Kelly Angell Minnehan, and  
 Jeffery Morris harmed Castle Park Elementary  
 School in CVESD.

*Attn:*

October 1, 2004

To: Kelly Angell and Daniel Shinoff  
 From: Maura Larkins

Your client, Robin Donlan, was causing trouble at Castle Park Elementary last night at Curriculum Night.

Also, she and her friends have caused **ANOTHER BILINGUAL TEACHER** to leave Castle Park Elementary. The teacher is **Ricardo Ramirez**, and he has chosen to leave rather than put up with the abuse he has been subjected to.

Your client Linda Watson has sought since 1994 to stop bilingual education from occurring at Castle Park. She seems to have come close to succeeding. Several families have pulled their bilingual children out of Castle Park.

Your law firm has done enormous damage to Castle Park Elementary. You have no respect for the authority of the principal or the superintendent. You should not be allowed to work for school districts.

*Maura Larkins*

commute to Chula Vista. He also charges for the drive back and \$133.50 in mileage expenses.

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